

210:15-27-2. Good cause exemptions for promotion under the Reading Sufficiency Act

(a) Students who do not meet grade-level criteria as established by the Office of Educational Quality and Accountability (OEQA) on the reading foundations/processes and vocabulary portions of the third grade assessment administered pursuant to 70 O.S. § 1210.508 may be promoted to fourth grade if the student qualifies for a good cause exemption authorized by 70 O.S. § 1210.508C. Only the scores from the reading foundations/processes and vocabulary portions of the third grade assessment shall be used to determine the promotion and retention of third grade students pursuant to the Reading Sufficiency Act.

(b) Good cause exemptions shall be limited to the statutory exemptions outlined in 70 O.S. § 1210.508C as follows:

(1) Students with limited English proficiency may be granted a good cause exemption for promotion to the fourth grade. To qualify for this exemption, the student must:

(A) Be identified as Limited-English Proficient (LEP)/English Learner (EL) on a screening tool approved by the Oklahoma State Department of Education Office of Bilingual/Migrant Education and have an English Language Academic Plan (ELAP) in place prior to the administration of the third grade assessment; and

(B) The student must have had less than two (2) years of instruction in an English Learner (EL) program that meets the definition of a "language instruction educational program" set forth in 20 U.S.C. § 7011.

(2) Students with disabilities who are assessed with alternate achievement standards under the Oklahoma School Testing Program (OSTP) with the Oklahoma Alternative Assessment Program (OAAP) qualify for a good cause exemption for promotion to fourth grade. To qualify for this exemption, the student must meet all of the following criteria:

(A) The student must be identified as needing special education services prior to the administration of the third grade assessment;

(B) The student must have an Individualized Education Program (IEP) in place prior to the administration of the third grade assessment; and

(C) The student's IEP must direct that the student is to be assessed with alternate achievement standards through the Oklahoma Alternative Assessment Program (OAAP) based upon the OSDE Criteria Checklist for Assessing Students with Disabilities on State Assessments.

(3) Students who demonstrate an acceptable level of performance on an alternative standardized reading assessment may be granted a good cause exemption for promotion to the fourth grade. To promote a student using an alternative standardized reading assessment, the following criteria shall apply:

(A) The student must score an acceptable level of performance on an approved alternative standardized reading assessment. The following are approved alternative standardized reading assessments that may be used to justify a good cause promotion under this exemption. The listed score constitutes an acceptable level of performance, and the student must score at or above the following percentiles:

(i) Stanford Achievement Test, - 45th Percentile

(ii) Iowa Test of Basic Skills (ITBS) Complete Battery, Reading Comprehension - 45th Percentile

(iii) Iowa Test of Basic Skills (ITBS) Core Battery, Reading Comprehension - 45th Percentile

(iv) TerraNova, Complete Battery Level 13, Reading - 45th Percentile

(B) Alternative standardized reading assessments may only be administered following the administration of the reading foundations/processes and vocabulary portions of the third grade assessment. The spring test form of the exam shall be administered.

(C) An approved alternative standardized reading assessment may be administered at any time prior to the start of the next academic year, if there are at least twenty (20) calendar days between administrations and different test forms are administered.

(4) Students who can demonstrate evidence through a student portfolio that the student has mastered state standards beyond the retention level and that the student is reading on grade level or higher may be granted a good cause exemption. To promote a student through the use of a student portfolio, the following criteria shall apply:

(A) The student portfolio shall include evidence demonstrating the student's mastery of the Oklahoma state standards in reading equal to grade level performance on the reading foundations/processes and vocabulary portions of the third grade assessment. Such evidence shall be documented through an organized collection of work

representing the student's mastery of such standards, including a demonstration of mastery of all of the following essential components of reading:

- (i) Phonemic awareness;
- (ii) Phonics (i.e., The student demonstrates awareness of letter-sound correspondence for consonants, vowels, and consonant digraphs, syllable types, and two to three syllable words);
- (iii) Reading fluency (i.e., The student demonstrates timed letter and word identification, sight words, modeled paragraph reading);
- (iv) Vocabulary (i.e., The student demonstrates ability to determine the meaning of general academic-specific and domain-specific words and phrases in a text relevant to a grade three topic or subject area); and
- (v) Comprehension (i.e., The student demonstrates ability to read and comprehend informational text independently and proficiently).

(B) The student portfolio shall include clear evidence that the standards assessed by the reading foundations/processes and vocabulary portions of the third grade assessment have been met. Such evidence could consist of:

- (i) Chapter or unit tests from the district's adopted core reading curriculum that are aligned with the Oklahoma Academic Standards; or
- (ii) Teacher-prepared assessments.

(C) Each standard and objective assessed by the reading foundations/processes and vocabulary portions of the third grade assessment must include a minimum of four (4) work samples of mastery whereby the student attained a grade of 70% or above. Demonstrating mastery of each objective for each standard is required.

(D) The student portfolio shall include copies of any screening, diagnostic, or progress monitoring assessments administered pursuant to 70 O.S. § 1210.508C, as well as a copy of the student's Individualized Program of Reading Instruction (also known as "Academic Progress Plan").

(E) The student portfolio shall be signed by the certified classroom teacher responsible for the student's reading instruction and the principal of the school, attesting that:

- (i) The portfolio is an accurate assessment of the student's reading achievement level;
- (ii) The portfolio includes only work that has been independently produced by the student in the third grade, including programs of reading instruction provided after regular school hours, on Saturdays, and during the summer following the student's third grade year; and
- (iii) The student possesses required reading skills to be promoted to fourth grade.

(5) Students with disabilities who participate in the statewide assessments and have an IEP may qualify for a good cause exemption for promotion to fourth grade. To qualify for this exemption, the student must meet the following criteria:

- (A) The student's IEP must reflect that the student has received intensive remediation in reading; and
- (B) Reflect that the student has made adequate progress in reading pursuant to the student's IEP.

(6) Students who demonstrate a reading deficiency and have been previously retained may qualify for a good cause exemption for promotion to fourth grade. To qualify for this exemption, the student must meet the following criteria:

- (A) The student must have been previously retained in pre-kindergarten for academic reasons, kindergarten, first grade, second grade, or third grade; and
- (B) The student must have received intensive reading instruction for two (2) or more years.

(7) Students who have been granted an exemption for medical emergencies by the State Department of Education may qualify for a good cause exemption pursuant to 70 O.S. § 1210.508C. To qualify for this exemption, the student must have been granted a medical emergency exemption pursuant to 70 O.S. § 1210.508-2 and 210:10-13-23, applicable to the testing window during which the reading foundations/processes and vocabulary portions of the third grade assessment were administered to the student's class.

(c) Each student completion of a transitional grade between kindergarten and third grade shall be considered a previous retention for purposes of 70 O.S. § 1210.508C. A transitional grade consists of subject area curriculum selected from two consecutive grade levels to provide differentiated instruction needed for a student to master appropriate skills required for promotion.

- (d) Documentation shall be maintained in the student record of any student promoted on the basis of a good cause exemption listed in 70 O.S. § 1210.508C. Documentation shall include the student's assessment score on the reading foundations/processes and vocabulary portions and any documentation relied upon to grant a good cause exemption.
- (e) Any student promoted on the basis of a good cause exemption listed in 70 O.S. 1210.508C should continue to receive intensive reading instruction and intensive instructional services and supports through the continued implementation of an Individualized Program of Reading Instruction to remedy the reading deficiency.
- (f) Each student's Individualized Program of Reading Instruction shall be documented on a form approved by the OSDE Office of Curriculum and Instruction, and shall include, but not be limited to, the following information:
- (1) Identification of assessments used for diagnostic purposes and periodic progress monitoring;
 - (2) The results of the assessment(s) used to identify the reading deficiency;
 - (3) A list of the developmental reading skill areas targeted for improvement (i.e., phonemic awareness, phonics, reading fluency, vocabulary, or comprehension);
 - (4) A description of the supplemental and/or remedial services and supports provided to the student in accordance with the provisions of 70 O.S. § 1210.508C;
 - (5) A description of parental involvement strategies; and
 - (6) Identification of any collaborative services provided to the student in order to facilitate the Individualized Program of Reading Instruction (i.e., Title I, IDEA, EL/Title III).

[Source: Added at 29 Ok Reg 976, eff 6-26-12; Amended at 30 Ok Reg 1607, eff 7-11-13; Amended at 31 Ok Reg 1196, eff 9-12-14; Amended at 33 Ok Reg 699, eff 8-25-16; Amended at 37 Ok Reg 1196, eff 9-11-20]